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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/014,987	12/10/2001	Guanghua Huang	10139.22US01	3373
23552	7590 03/11/2003			
MERCHANT & GOULD PC			EXAMINER	
P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			DONOVAN,	LINCOLN D
			ART UNIT	PAPER NUMBER
			2832	
			DATE MAILED: 03/11/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.

Applicant(s)

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Office Action Summary

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10/014,987

plicarit(s)

Huang

Examiner

Lincoln Donovan

Art Unit 2832



_	The MAILING DATE of this communication appears	on the cover sheet with the correspondence address			
	or Reply				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.					
		no event, however, may a reply be timely filed after SIX (6) MONTHS from the			
mailing	date of this communication. eriod for reply specified above is less than thirty (30) days, a reply within th				
If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).					
- Any re	ply received by the Office later than three months after the mailing date of the				
earned Status	patent term adjustment. See 37 CFR 1.704(b).				
1) 🗆	Responsive to communication(s) filed on	·			
2a) 🗌	This action is <b>FINAL</b> . 2b) 🗓 This action	on is non-final.			
3) 🗌	Since this application is in condition for allowance e closed in accordance with the practice under Ex pair	except for formal matters, prosecution as to the merits is arte Quayle, 1935 C.D. 11; 453 O.G. 213.			
Disposit	tion of Claims				
4) 💢	Claim(s) <u>1-27</u>	is/are pending in the application.			
4	a) Of the above, claim(s)	is/are withdrawn from consideration.			
5) 🗆	Claim(s)	is/are allowed.			
6) 🗆	Claim(s)	is/are rejected.			
7) 🗆	Claim(s)	is/are objected to.			
8) 💢	Claims <u>1-27</u>	are subject to restriction and/or election requirement.			
Applica	tion Papers				
9) 🗆	The specification is objected to by the Examiner.				
10)	The drawing(s) filed on is/are	a) $\square$ accepted or b) $\square$ objected to by the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11)	The proposed drawing correction filed on	is: a) $\square$ approved b) $\square$ disapproved by the Examiner.			
	If approved, corrected drawings are required in reply t	o this Office action.			
12)	The oath or declaration is objected to by the Exami	ner.			
Priority	under 35 U.S.C. §§ 119 and 120				
13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a) [	☐ All b)☐ Some* c)☐ None of:				
	1. $\square$ Certified copies of the priority documents have	e been received.			
	2. $\square$ Certified copies of the priority documents have	e been received in Application No			
	3. Copies of the certified copies of the priority do application from the International Burea	ocuments have been received in this National Stage au (PCT Rule 17.2(a)).			
·*S	ee the attached detailed Office action for a list of the	e certified copies not received.			
14)	$\label{lem:constraint} \textbf{Acknowledgement is made of a claim for domestic}$	priority under 35 U.S.C. § 119(e).			
a) The translation of the foreign language provisional application has been received.					
15)	Acknowledgement is made of a claim for domestic	priority under 35 U.S.C. §§ 120 and/or 121.			
Attachm					
_	tice of References Cited (PTO-892)	4) Interview Summary (PTO-413) Paper No(s).			
	tice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal Patent Application (PTO-152)			
3) [] Inf	ormation Disclosure Statement(s) (PTO-1449) Paper No(s).	6) Cther:			

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## **DETAILED ACTION**

## Election/Restriction

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-18, drawn to a MEMS, classified in class 335, subclass 78.
  - Claims 19-27, drawn to a control method for a MEMS, classified in class 361, II. subclass 139.
- 2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the control method does not require the specific MEMS of I.

- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lincoln Donovan whose telephone number is (703) 308-3111.

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The fax number for this Group is (703)-872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1782.

LDD

March 5, 2003

THAT CYLL SOMOWANDER PRIMARY EXAMINER OROUP 2100